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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,553	10/06/2004	Nicolai Papke	05587-00368-US	1658

23416 7590 03/16/2007
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EXAMINER

TOSCANO, ALICIA

ART UNIT	PAPER NUMBER
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1712

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/506,553

Applicant(s)

PAPKE, NICOLAI

Examiner

Alicia M. Toscano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,7,9-11 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7,9-11 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 3, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyawaki (JP 06240105) in view of Linder (US 4683267).

Miyawaki includes elements of the invention as discussed in the action dated 10/23/06. The esterification catalyst is disclosed to be triethylamine and the like [0006]. Miyawaki does not include the use of the catalysts in Claim 1.

Lindner disclosed molding compositions. Said compositions comprise a esterification catalyst such as triethylamine, butyl titanate and the like (Column 5 Lines 54-56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Miyawaki the use of butyl titanate, as taught by Linder, as it is recognized in the art as being functionally equivalent to triethylamine.

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2. Claims 1, 3, 6, 11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyawaki in view of Yabuta (US 5889115).

Miyawaki includes elements of the invention as discussed in the action dated 10/23/06. The esterification catalyst is disclosed to be triethylamine and the like [0006]. Miyawaki does not include the use of the catalysts in Claim 1.

Yabuta discloses coating compositions. Said compositions comprise a catalyst such as triethylamine, tetrabutylphosphonium bromide and the like (Column 8 Lines 27-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Miyawaki the use of tetrabutylphosphonium bromide, as taught by Yabuta, as it is recognized in the art as being functionally equivalent to triethylamine.

3. Claims 1, 3, 6, 11, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyawaki in view of Bederke (US 5426156).

Miyawaki includes elements of the invention as discussed in the action dated 10/23/06. The esterification catalyst is disclosed to be triethylamine and the like [0006]. Miyawaki does not include the use of the catalysts in Claim 1.

Bederke discloses compositions for surface coatings. Said coatings comprise catalysts such as triethylamine, triphenylphosphine and the like (Column 5 Lines 2-8).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Miyawaki the use of triphenylphosphine, as taught by Bederke, as it is recognized in the art as being functionally equivalent to triethylamine.

4. Claims 1, 2, 3, 6, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan (US 4480071) in view of Linder (US 4683267).

Natarajan includes elements of the invention as discussed in the action dated 10/23/06. The esterification catalyst is disclosed to be triethylamine and the like (Column 8 Line 12-13). Natarajan does not include the use of the catalysts in Claim 1.

Lindner disclosed molding compositions. Said compositions comprise a esterification catalyst such as triethylamine, butyl titanate and the like (Column 5 Lines 54-56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Natarajan the use of butyl titanate, as taught by Linder, as it is recognized in the art as being functionally equivalent to triethylamine.

5. Claims 1, 2, 3, 6, 7, 11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of Yabuta (US 5889115).

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Natarajan includes elements of the invention as discussed in the action dated 10/23/06. The esterification catalyst is disclosed to be triethylamine and the like (Column 8 Line 12-13). Natarajan does not include the use of the catalysts in Claim 1.

Yabuta discloses coating compositions. Said compositions comprise a catalyst such as triethylamine, tetrabutylphosphonium bromide and the like (Column 8 Lines 27-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Natarajan the use of tetrabutylphosphonium bromide, as taught by Yabuta, as it is recognized in the art as being functionally equivalent to triethylamine.

6. Claims 1, 2, 3, 6, 7, 11, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of Bederke (US 5426156).

Natarajan includes elements of the invention as discussed in the action dated 10/23/06. The esterification catalyst is disclosed to be triethylamine and the like (Column 8 Line 12-13). Natarajan does not include the use of the catalysts in Claim 1.

Bederke discloses compositions for surface coatings. Said coatings comprise catalysts such as triethylamine, triphenylphosphine and the like (Column 5 Lines 2-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Natarajan the use of triphenylphosphine, as taught by Bederke, as it is recognized in the art as being functionally equivalent to triethylamine.

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7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of Bederke or Yabuta or Linder in further view of Sharma (US 6090319).

Natarajan, Bederke, Yabuta and Linder include elements of the invention as discussed above. Natarajan, Bederke, Yabuta and Linder do not include the use of a glass fiber bundle which has been impregnated with a polyacetal resin and then bonded to a second component.

Sharma discloses a method for coating fibers. Said method comprises step (c) impregnating fiber strands with a first thermoplastic resin material to produce a long fiber reinforcing composite structure and (g) coating said long impregnated fiber with a second thermoplastic resin material, wherein the first and second thermoplastic resin materials are bonded at the first and second thermoplastic resin material interface (Column 2 Lines 31-65). The first thermoplastic resin can be a polyacetal (Column 5 Line 20). Said method improves the adhesion between the fibers and the first thermoplastic resin.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Natarajan, Bederke, Yabuta and Linder the method taught by Sharma to coat said fibers to improve the adhesion between the fibers and the first thermoplastic resin in order to have a composition with superior properties.

Conclusion

Response to Arguments

8. Applicant's arguments, see Remarks, filed 1/26/07, with respect to Hwang have been fully considered and are persuasive. The rejections in view of Hwang have been withdrawn since Hwang has a priority date after the filing date of applicants. See new grounds of rejection above.

9. Applicant amends to overcome Auerbach and Sonoda. Applicant further argues the distinctness of the instant application over '541. Examiner agrees '541 does not disclose the use of polyacetal resins and thusly modifies the double patenting rejection below.

Double Patenting

10. Claims 1,2,3,7,9,10,11,15,16 and 17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,4,9,10-12,16-24 of copending Application No. 10/506541 in view of Laughner (US 5286790).

Examiner modifies the rejection to be in view of Laughner. See previous action as to the overlapping of said Instant Claims with '541. '541 discloses the use of polycarbonates, polyesters, polyolefins and the like (Claim 1) however '541 does not disclose the use of polyacetal resins.

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Laughner discloses blended compositions. Said blends include a include the use of a thermoplastic resin such as polycarbonate, polyester, polyolefin, polyamide, polyurethane and polyacetal (Column 2 Lines 38-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in '541 the use of a polyacetal, as taught by Laughner, as it is recognized in the art to be functionally equivalent to polycarbonates, polyesters, polyolefins and the like.

This is a provisional obviousness-type double patenting rejection.

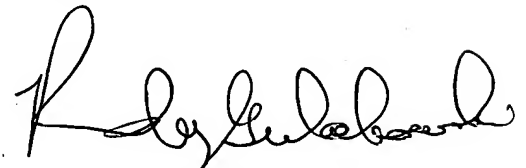
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Toscano whose telephone number is 571-272-2451. The examiner can normally be reached on Monday to Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMT



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